

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT MAITAMA – ABUJA**

**BEFORE HIS LORDSHIP: HON. JUSTICE .H. MU’AZU**

**SUIT NO: FCT/HC/CV/1840/2024**

**MOTION NO: FCT/HC/GWD/M/339/2024**

**DELIVERED: ON THE 15/01/2025**

**BETWEEN:**

**SUADI PROPERTIES NIG. LTD.....CLAIMANT/RESPONDENT**

**AND**

- |   |   |                      |
|---|---|----------------------|
| <ul style="list-style-type: none"><li>1. MAGIRA GLOBAL ENTERPRISES LTD</li><li>2. SHEHU BAFFA MUSA</li><li>3. MUSA ADAMU SHEHU</li></ul>  | } | DEFENDANTS/OBJECTORS |
| <ul style="list-style-type: none"><li>4. MINISTER, OF THE FEDERAL CAPITAL TERRITORY ABUJA</li><li>5. DEPARTMENT OF LAND ADMINISTRATION, FCT</li><li>6. ABUJA GEOGRAPHICAL INFORMATION SYSTEM</li><li>7. INSPECTOR GENERAL OF POLICE</li></ul> | } | .....DEFENDANTS      |

**RULING**

By a Notice of Preliminary Objection dated and filed on the 25/06/2024, the 1<sup>st</sup> – 3<sup>rd</sup> Defendants/Applicants raised a Preliminary Objection and sought for order striking out this suit for lack of Jurisdiction. The Objection of the objectors is predicated on 3 grounds, to wit:

- 1. The Claimant lacks the locus standi to institute the action.

2. The suit disclosed no reasonable cause of action against the 1<sup>st</sup> – 3<sup>rd</sup> Defendants/Applicants.
3. The action is incompetent.

The Applicants/Objectors filed a written address in support of the Notice of Preliminary Objection wherein Counsel formulated two issues for determination, to wit:

1. Whether in the circumstances of this case, the Claimant has the locus standi to institute this action.
2. Whether this action disclosed a reasonable cause of action against the 1<sup>st</sup> – 3<sup>rd</sup> Defendants/Applicants.

On the 1<sup>st</sup> issue, to wit: Whether in the circumstances of this case the claimant has locus standi to institute this action, counsel argued that there exist no transaction between the Claimant and the Defendants therefore the Claimant has no locus standi or platform to institute this action in respect of the land in issue. Counsel cited the case of *FRANK V. AUDU (2003) 23 WRN 80 at pp 97 – 98. And LADEJOBI V. OGUNTAYO (2005) 7 WRN 22 at p. 44.* Counsel submitted that looking at the statement of Claim it is clear that the land in issue was allocated to Magira Global Enterprises Ltd (1<sup>st</sup> Defendant) and the 2<sup>nd</sup> and 3<sup>rd</sup>

Defendants are Directors of the 1<sup>st</sup> Defendant. Accordingly, no right accrues to the Claimant to sue the Defendants for a Land allocated to the 1<sup>st</sup> Defendant. Counsel urged the Court to hold that the Claimant lacks the locus standi to bring this action and to strike out same.

On the 2<sup>nd</sup> issue, to wit: whether the action discloses a Cause of action against the Applicants. Counsel argued that the pleadings of the Claimant did not disclose any wrongful act of the Applicants grounding or disclosing a cause of action accrued for the Claimant. The grievance of the Claimant is not a recognizable right capable of enforcement or being claimed by the Claimant.

Counsel submitted that for a cause of action to exist there must be

- (a) a cause of Complaint
- (b) a civil right or obligation fit for determination by the Court.
- (c) The issue must be justiciable.

Counsel relied on the decision in *Diamond pet int'l Ltd V. Gov. CBN (2015) 14 NWLR (PT. 1478) 179 (CA) AND AZUH v. UBN PLC (2014) II NWLR (pt. 1419) 580 (SC)*.

Finally Counsel urged the Court to resolve the issues in favour of the objectors and to strike out the matter for lack of Jurisdiction.

It is pertinent to note at this juncture that, the Claimant did not respond to the Notice of Preliminary Objection of the Objectors. This remains so till date. The objection is thus uncontested. Notwithstanding, I will look at what the pleadings of the Claimant say to see if the objection holds any merit.

From the pleading of the Claimant it is admitted that the 1<sup>st</sup> Defendant is a limited Liability company and the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants are Directors in the 1<sup>st</sup> Defendant. It is also admitted that the land in issue was allocated to the 1<sup>st</sup> Defendant.

It is however claimed by the Claimant that there was a prior agreement that the 1<sup>st</sup> – 3<sup>rd</sup> Defendants have divested their interest in the Land to be acquired from the 4<sup>th</sup> Defendant. And that the 1<sup>st</sup> – 3<sup>rd</sup> Defendants reneged. The Claimant seeks directives of this Court that the agreement (apparently not in writing) is valid and enforceable. I must agree with the objectors that from the circumstances of the case, the

agreement cannot be enforced even where the Court find that it exist. The 1<sup>st</sup> Defendant cannot be asked by this Court to divest its right to the subject property which by law belongs to it. The Claimant has not acquired any lawful interest in the Land to vest him with locus standi to Claim it. Also no right exist to be enforced, therefore I must hold that no reasonable cause of action is disclosed. In all and without further ado, I find that the objection has considerable merit and it is hereby granted.

This action is hereby struck out for lack of Jurisdiction.

**SIGNED:**  
**HON.JUDGE**  
**15/01/2025**

**APPEARANCE:**

*Z. J. Jibrin, Esq, for the Claimant/Respondent*

*A. Y. Zubairu, Esq, for the 1<sup>st</sup> – 3<sup>rd</sup> Defendants/Objectors*